(e) whether teledensity in Jharkhand is much below the national average; and

(f) if so, the steps contemplated for its augmentation?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (DR. SHAKEEL AHMAD): (a) The details of telephone exchanges as on 1st February, 2005 in Jharkhand indicating existing capacity of each are given in the Annexure-[*See* Appendix 204. Annexure No. 22] and the exchanges, which are earmarked to be upgraded along with time frame, are given in the Annexure-[*See* Appendix 204, Annexure No. 22]

(b) BSNL Cell-One Mobile Phone connections are provided on demand. However, we are unable to provide Excel connections on demand due to capacity constraints *vis-a-vis* huge demand.

(c) There are 37053 Post-paid and 128341 Pre-paid Mobile telephone connections of BSNL in Jharkhand as on 01.03.2005.

(d) Exchange-wise availability of landline telephones/DELs (Direct Exchange Lines) is given in Annexure-[*See* Appendix 204, Annexure No. 22]

(e) Yes, Sir.

(f) Efforts are made to improve the teledensity to national average. To achieve this following steps are taken:

(i) Deployment of WLL (Wireless in Local Loop) BTSs (Base Terminal Stations) in Rural and Urban areas.

(ii) Deployment of GSM (Global System for Mobile communication) BTSs in Urban areas and expansion of telephone exchanges capacities.

Ban on unsolicited telemarketing

2492. SHRI DARA SINGH:
SHRI B.K. HARIPRASAD:

Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

(a) whether Government are aware of the growing demand for a total

ban on unsolicited telemarketing menace from credit card companies infringing the privacy of cellular phone subscribers;

(b) whether leading banks, mostly in private sector, have been accused of accessing illegally the data on mobile phone users (also landline phone users) to sell their credit cards and personal/auto home loans for making such calls on cellular phones; if so, the details thereof;

(c) whether the Cellular Operators' Association of India has agreed to enforce such a ban; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (DR. SHAKEEL AHMAD): (a) and (b) In this regard, a notice has been received from Hon'ble Supreme Court of India by the Department of Telecommunications regarding a petition filed by Dr. Harsh Pathak.

Under the provisions of the 'Licence Agreement for provision of Cellular Mobile Telephone Service' and Rule 458 of ITR, 1951, it is evident that sufficient safeguard has been provided for the subscribers so that their information is not passed on by the Licenced Mobile Operators to the Tele-Marketing Service Providers/banks etc.

The relevant extracts of the 'Licence Agreement for provision of Cellular Mobile Telephone Service' & Indian Telegraph Rule pertaining to subscriber information and publication of Telephone Directory are given below:

(I) Extract of Licence Agreement for provision of Cellular Mobile Telephone Service

Schedule-II, Part-II

18.1 Determination of TRAI with regard to publication of telephone service directory containing information of subscribers of Cellular Mobile Telephone Service shall be applicable and binding.

29.3 The Licensee shall be responsive to the complaints lodged by his subscribers.

Schedule-II, Part-V

31.5 Any dispute, with regard to the provision of SERVICE shall be a

matter only between the aggrieved party and the LICENSEE, who shall duly notify this to all before providing the SERVICE. And in no case the LICENSOR shall bear any liability or responsibility in the matter.

Schedule-II, Part-IV

42.2 Subject to conditions contained in these terms and conditions, the LICENSEE shall take all necessary steps to safeguard the privacy and confidentiality of any information about a third party and its business to whom it provides the SERVICE and from whom it has acquired such information by virtue of the SERVICE provided and shall use its best endeavors to secure that:

a) No person acting on behalf of the LICENSEE or the LICENSEE divulges or uses any such information except as may be necessary in the course of providing such SERVICE to the Third Party; and

b) No such person seeks such information other than is necessary for the purpose of providing SERVICE to the Third Party.

Provided the above para shall not apply where:

a) The information relates to a specific party and that party has consented in writing to such information being divulged or used, and such information is divulged or used in accordance with the terms of that consent; or

b) The information is already open to the public and otherwise known.

42.3 The LICENSEE shall take necessary steps to ensure that the LICENSEE and any person(s) acting on its behalf observe confidentiality of customer information.

(II) Rule 458 of Indian Telegraph Rules, 1951:

Except with permission of the Telegraph Authority no person shall publish any list of telephone subscribers.

(c) and (d) Cellular Operators Association of India (COAI) has informed that they are concerned about excessive and uncontrolled telemarketing and believe that there is a need to lay down rules and guidelines, whereunder such activities are carried out. In this regard, COAI has suggested that such measure ought to be directed only at telemarketing companies indulging in such activities.